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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 HUY-YING CHEN, et al.,

12 Appellants/Plaintiffs,

13 v.

14 ROI COMMERCIAL REAL ESTATE, a
Washington corporation, et al.,

15 Appellees/Defendants.
16

CASE NO. C08-379RSM

Bankruptcy No. 07-11172

Adversary No. 07-01265

ORDER OF DISMISSAL

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18 This is one of four bankruptcy appeals filed by appellants Huy-Ying Chen and Yueh-Hua Chen.
19 *See*, C08-370JCC. C08-379RSM; C08-380JLR; C08-1330MJP. The appellee in this matter is HSBC
20 Bank USA. Dkt. # 1-2. Appellants' motion to consolidate the four cases has been denied (Dkt. # 9), and
21 two of the four cases have been dismissed by the Court. *See*, C08-370-JCC, C08-380JLR.

22 On July 23, 2008, the briefing schedule was set in this case, directing appellants to file their
23 opening brief on or before September 2, 2008. Dkt. # 6. Briefing was to have been completed by
24 October 16, 2008. *Id.* When that date passed with no briefs having been filed, the Court on November
25 13, 2008 ordered appellants to show cause why this appeal should not be dismissed for failure to
26 prosecute. Appellants' response fails to demonstrate good cause why this appeal should not be
27 dismissed.
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1 Appellants assert that they received no notice of the briefing schedule or the need to file an
2 opening brief by September 2, 2008. However, this deadline and others appear on the docket sheet, so
3 appellants cannot argue that they did not receive notice. Dkt. # 6. Further, the briefing time line for
4 bankruptcy appeals in the district court appears in the local rules of this Court as well as in the rules of
5 the bankruptcy court. Local Rule GR 7.2.03; F.R. Bankr.P. 8009(a). It is appellants' responsibility to
6 consult the docket sheet and the applicable rules to determine filing deadlines.

7 Appellants also argue that this case is but one of four involving a "civil conspiracy," with
8 appellee/defendant ROI Commercial Real Estate acting as the "most important." Dkt. # 10, p. 2.
9 Appellants again assert that the four cases should be consolidated. However, as noted above, two of the
10 cases, including the case involving ROI Commercial Real Estate, have been dismissed (*see*, C08-380
11 JLR), and appellants' motion to consolidate the four cases has already been denied in this case. Dkt. # 9.
12 Appellants have one bankruptcy appeal remaining. The Court notes that the appellants' opening brief in
13 that matter is due December 8, 2008. *See*, C08-1330MJP, Dkt. # 7. Appellants are advised to heed that
14 deadline.

15 Appellants have failed to demonstrate good cause why their appeal should not be dismissed for
16 failure to prosecute. Accordingly, this bankruptcy appeal is hereby DISMISSED without prejudice.

17 DATED this 1 day of December 2008.

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19 RICARDO S. MARTINEZ
20 UNITED STATES DISTRICT JUDGE
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